

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

LARYIE EARL JONES

*

Petitioner,

*

v.

* CIVIL ACTION NO. 2:05-CV-701-F

ANTHONY CLARK, *et al.*,

*

Respondents.

*

ORDER

The above-captioned petition was filed under the provisions of 28 U.S.C. 2254 on July 29, 2005. Upon review of the petition, the court finds that it is more appropriately filed under the provisions of 28 U.S.C. § 2241. Accordingly, the Clerk of Court is DIRECTED to take all necessary steps to amend the docket to reflect that the instant petition is filed under 28 U.S.C. § 2241.

The court has reviewed the petition for writ of habeas corpus and determined that such petition cannot be properly and effectively processed by the court without a response from Respondents.

The Clerk of Court is DIRECTED to send a copy of the petition and this order to Warden Terrance McDonnell and the Attorney General for the State of Alabama. An answer shall be filed with the court and served upon Petitioner within 20 days of service on the Attorney General. Respondents are directed to file their answer in accordance with the

provisions of 28 U.S.C. § 2243. Specifically, Respondents must show cause why the writ should not be granted and, when applicable, shall certify the true cause of petitioner's detention. Additionally, the answer shall contain the sworn statements of all persons having knowledge of the subject matter of the petition. Authorization is hereby granted to interview all witnesses, including Petitioner. Whenever relevant, copies of medical and/or psychiatric records shall be attached to the answer. Where Petitioner's claims or Respondents' defenses relate to or involve the application of administrative rules, regulations or guidelines, copies of all such applicable administrative rules, regulations or guidelines shall be filed as exhibits in support of the answer.

The parties are advised that no motion for summary judgment, motion to dismiss or any other dispositive motions addressed to the petition may be filed by any party without permission of the court. If any pleading denominated as a motion for summary judgment, motion to dismiss or other dispositive motion is sent to the court, the court shall not file or otherwise treat the pleading as a dispositive motion until and unless further order of the court. **Petitioner is cautioned that all amendments to the petition should be accompanied by a motion to amend and must be filed within ninety (90) days from the date of this order.**

The Federal Rules of Civil Procedure require that Petitioner mail to the lawyer for Respondents a true copy of anything which is sent to the court. Consequently, Petitioner is advised that he should mail to the Attorney General for the State of Alabama a true copy of anything which he sends to the court. Failure to do so may result in delaying resolution of

this case. Anything sent to the court should specifically state that it has been sent to the Attorney General for the State of Alabama.

Petitioner is specifically **CAUTIONED** that his failure to file pleadings in conformity with the *Federal Rules of Civil Procedure* and/or the directives contained in this order will result in such pleadings not being accepted for filing. The Clerk of Court is **DIRECTED** to not accept for filing any pleadings submitted by Petitioner which are not in compliance with either the *Federal Rules of Civil Procedure* or the directives contained in this order.

Done, this 1st day of August, 2005.

/s/ Delores R. Boyd
DELORES R. BOYD
UNITED STATES MAGISTRATE JUDGE